UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMY LEVIN and DR. LUCILLE LEVIN,

Plaintiffs,

-v-

BANK OF NEW YORK, JP MORGAN CHASE, SOCIETE GENERALE and CITIBANK,

Defendants.

THE BANK OF NEW YORK MELLON,

Third-Party Plaintiff,

-v-

[redacted]

JPMORGAN CHASE BANK, N.A.,

Third-Party Plaintiff,

-v-

[redacted]

CAPTION CONTINUED ON NEXT PAGE

(FILED PARTIALLY UNDER SEAL DUE TO CONFIDENTIAL INFORMATION PER ORDER DATED JANUARY 21, 2010)

Civ. No. 09 CV 5900 (RPP)

PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR 28 U.S.C. § 1292(b) CERTIFICATION OF THE COURT'S OPINION AND ORDER DATED JANUARY 20, 2011

[Memorandum of Law in Support of Motion Filed Concurrently Herewith]

HEARING DATE: February 15, 2011, (Requested by Letter to the Court, dated February 1, 2011 but Moving Party Is Prepared to Submit on the Briefs without Argument)
TIME: 3:00 PM
PLACE: Courtroom 24A

SOCIETE GENERALE,

Third-Party Plaintiff,

-v-

[redacted]

Civ. No. 09 CV 5900 (RPP)

CITIBANK, N.A.,

Third-Party Plaintiff,

-v-

[redacted]

THE BANK OF NEW YORK MELLON, JPMORGAN CHASE, N.A., SOCIETE GENERALE and CITIBANK, N.A.,

Third-Party Plaintiffs,

-v-

STEVEN M. GREENBAUM, et al.

Third-Party Defendants.

CAPTION CONTINUED ON NEXT PAGE

THE BANK OF NEW YORK MELLON, JPMORGAN CHASE BANK, N.A., SOCIETE GENERALE and CITIBANK, N.A.,

Third-Party Plaintiffs,

-v-

THE ESTATE OF JAMES SILVIA AND LYNNE MICHOL SPENCER, et al.,

Third-Party Defendants.

Civ. No. 09 CV 5900 (RPP)

PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR 28 U.S.C. § 1292(b) CERTIFICATION OF THE COURT'S OPINION AND ORDER DATED JANUARY 20, 2011

PLEASE TAKE NOTICE that on February 15, 2011, at 3:00 p.m., or as soon thereafter as counsel may be heard, in Courtroom 24A of the above entitled Court located at 500 Pearl Street, New York, New York 10007, Plaintiffs Jeremy Levin and Dr. Lucille Levin ("Levins") upon Plaintiffs' Memorandum of Law In Support of Its Motion for 28 U.S.C. § 1292(b) Certification, will, and hereby do, move this Court to certify for appeal its January 20, 2011 Opinion and Order pursuant to 28 U.S.C. § 1292(b) in which the Court denied Plaintiffs' motion for partial summary judgment on the issue of liability. The Opinion and Order dated January 20, 2011 involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal may materially advance the ultimate termination of the litigation. This motion is based on the entire record in this matter and the attached memorandum of points and authorities.

Dated: February 1, 2011

HOWARTH & SMITH

By: /s/Suzelle M. Smith

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